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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ROCKEFELLER PHOTOS, LLC,

Plaintiff,

v.

CHICAGO LIQUOR, INC., d/b/a THE
GREEN OLIVE,

Defendant.

Case No. 2:25-cv-06753-ODW-SK

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT**

JURY TRIAL DEMANDED

ANSWER

Defendant Chicago Liquor, Inc. d/b/a The Green Olive ("Defendant") hereby files this Answer to Plaintiff Rockefeller Photos, LLC's ("Plaintiff") Complaint—which alleges a single count of "Copyright Infringement"—for itself and for no other Defendant, with all references to "Paragraphs" below referring to the Paragraphs of the Complaint unless otherwise noted, as follows.

ANSWERS TO PARAGRAPHS IN COMPLAINT

1
2 1. Defendant lacks and denies information or knowledge sufficient to form a
3 belief as to the allegations of Paragraph 1; therefore, Defendant denies the allegations of
4 Paragraph 1.

5 2. Defendant admits the allegations of Paragraph 2.

6 3. Paragraph 3 contains allegations that do not appear to require admission or
7 denial; however, to the extent that a response is required, Defendant denies the allegations
8 in Paragraph 3.

9 4. Paragraph 4 contains allegations that do not appear to require admission or
10 denial; however, to the extent that a response is required, Defendant denies the allegations
11 in Paragraph 4.

12 5. Paragraph 5 contains allegations that do not appear to require admission or
13 denial; however, to the extent that a response is required, Defendant denies the allegations
14 in Paragraph 5.

15 6. Defendant lacks and denies information or knowledge sufficient to form a
16 belief as to the allegations of Paragraph 6; therefore, Defendant denies the allegations of
17 Paragraph 6.

18 7. Defendant lacks and denies information or knowledge sufficient to form a
19 belief as to the allegations of Paragraph 7; therefore, Defendant denies the allegations of
20 Paragraph 7.

21 8. Defendant lacks and denies information or knowledge sufficient to form a
22 belief as to the allegations of Paragraph 8; therefore, Defendant denies the allegations of
23 Paragraph 8.

24 9. Defendant lacks and denies information or knowledge sufficient to form a
25 belief as to the allegations of Paragraph 9; therefore, Defendant denies the allegations of
26 Paragraph 9.

27 10. Defendant lacks and denies information or knowledge sufficient to form a
28 belief as to the allegations of Paragraph 10; therefore, Defendant denies the allegations of

1 Paragraph 10.

2 11. Defendant lacks and denies information or knowledge sufficient to form a
3 belief as to the allegations of Paragraph 11; therefore, Defendant denies the allegations of
4 Paragraph 11.

5 12. Defendant denies the allegations of Paragraph 12.

6 13. With respect to the allegation of Paragraph 13, Defendant admits that it
7 advertises and markets its business; Defendant denies the remaining allegations of
8 Paragraph 13.

9 14. Defendant denies the allegations of Paragraph 14.

10 15. Defendant denies the allegations of Paragraph 15.

11 16. Defendant denies the allegations of Paragraph 16, which appear to include, at
12 least in part, statements of opinion or conclusions that are objectionable and to which no
13 response may be required, but the same are nonetheless denied.

14 17. Defendant denies the allegations of Paragraph 17.

15 18. Defendant denies the allegations of Paragraph 18.

16 19. Defendant lacks and denies information or knowledge sufficient to form a
17 belief as to the allegations of Paragraph 19; therefore, Defendant denies the allegations of
18 Paragraph 19.

19 20. Defendant denies the allegations of Paragraph 20, which appear to contain
20 legal conclusions to which no response may be required, but the same are nonetheless
21 denied.

22 21. Defendant reasserts the admissions, denials and allegations previously
23 asserted in this Answer to all allegations in Paragraphs 1 through 20 of the Complaint,
24 inclusive, as if fully set forth herein.

25 22. Paragraph 22 contains legal conclusions to which no response is required; to
26 the extent that a response is required, the allegations in Paragraph 22 are denied.

27 23. Paragraph 23 contains legal conclusions to which no response is required; to
28 the extent that a response is required, the allegations in Paragraph 23 are denied.

24. Paragraph 24 contains legal conclusions to which no response is required; to the extent that a response is required, the allegations in Paragraph 24 are denied.

25. Defendant denies the allegations in Paragraph 25.

26. Defendant denies the allegations in Paragraph 26.

27. Defendant denies the allegations in Paragraph 27.

28. Defendant denies the allegations in Paragraph 28, which appear to contain mixed statements of law and fact and a statement of opinion; regardless, the allegations of Paragraph 28 are denied.

29. Paragraph 29 contains legal conclusions to which no response is required; to the extent that a response is required, the allegations in Paragraph 29 are denied. By way of further response, Defendant denies that Defendant has damaged Plaintiff in any manner or to any degree.

30. Paragraph 30 contains legal conclusions to which no response is required; to the extent that a response is required, the allegations in Paragraph 30 are denied. By way of further response, Defendant denies that Defendant has damaged Plaintiff in any manner or to any degree, and further denies that Plaintiff is entitled to recover any damages from Defendant.

31. Paragraph 31 contains legal conclusions to which no response is required; to the extent that a response is required, the allegations in Paragraph 31 are denied. By way of further response, Defendant denies that Defendant has damaged Plaintiff in any manner or to any degree, and further denies that Plaintiff is entitled to recover any damages from Defendant.

32. Paragraph 32 contains legal conclusions to which no response is required; to the extent that a response is required, the allegations in Paragraph 32 are denied. By way of further response, Defendant denies that Defendant has damaged Plaintiff in any manner or to any degree, and further denies that Plaintiff is entitled to recover any damages from Defendant.

33. Paragraph 33 contains legal conclusions to which no response is required; to

1 the extent that a response is required, the allegations in Paragraph 33 are denied. By way
2 of further response, Defendant denies that Defendant has damaged Plaintiff in any manner
3 or to any degree, and further denies that Plaintiff is entitled to recover any damages from
4 Defendant.

5 34. As to Plaintiff's prayer for relief, Defendant denies all allegations therein and
6 answers the prayer for relief in its entirety as follows:

- 7 a. Plaintiff is not entitled to any monetary damages;
- 8 b. Plaintiff is not entitled to any declaratory or injunctive relief, and Plaintiff
9 has failed to comply with Fed. R. Civ. P. 65 and Local Civil Rule 65-1;
- 10 c. Defendant asserts that Plaintiff lacks standing and that Plaintiff has failed to
11 state a claim upon which relief can be granted;
- 12 d. Defendant expressly and specifically denies that Plaintiff is entitled to actual
13 damages, disgorgement, attorney fees, costs, statutory damages or any other remedy or
14 recovery;
- 15 e. Plaintiff is not entitled to interest.

16 35. Any allegation in the Complaint not specifically admitted or otherwise
17 responded to above, including Plaintiff's entitlement to any relief set forth in Plaintiff's
18 prayer or otherwise, is hereby denied expressly and in full by Defendant.

19 **AFFIRMATIVE DEFENSES**

20 Defendant hereby asserts the following separate, distinct, and affirmative defenses
21 to the causes of action set forth in Plaintiff's Complaint, and in so doing, Defendant does
22 not concede that Defendant bears the burden of proof on such defenses.

23 **FIRST AFFIRMATIVE DEFENSE**

24 **(Failure to State a Cause of Action)**

25 1. The Complaint and each alleged claim for relief set forth therein fail to allege
26 facts sufficient to state a claim for relief or damages. Moreover and without limitation,
27 Plaintiff lacks standing, and Plaintiff has failed to describe its alleged injuries and
28 damages.

1 **SECOND AFFIRMATIVE DEFENSE**

2 **(Statute of Limitations)**

3 2. Each and every one of Plaintiff's claims against Defendant set forth in the
4 Complaint is barred by the applicable statutes of limitations.

5 **THIRD AFFIRMATIVE DEFENSE**

6 **(Waiver; Acquiescence)**

7 3. Plaintiff has waived and released any rights it may have had against
8 Defendant or Plaintiff has forfeited or abandoned those rights and, for that reason,
9 Plaintiff is barred from recovery herein; additionally, Plaintiff was aware of infringement
10 of its allegedly protected works or copyrights and did nothing for tactical or strategic
11 advantage, barring this action.

12 **FOURTH AFFIRMATIVE DEFENSE**

13 **(Unclean Hands)**

14 4. The Complaint and each and every alleged claim for relief set forth therein
15 are barred by the Plaintiff's unclean hands.

16 **FIFTH AFFIRMATIVE DEFENSE**

17 **(Laches)**

18 5. The Complaint and each and every alleged claim for relief therein are barred
19 by the doctrine of laches.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 **(Estoppel)**

22 6. Plaintiff is estopped, under equitable estoppel or any other applicable theory,
23 from asserting each and every one of the purported claims for relief asserted in the
24 Complaint against Defendant.

25 **SEVENTH AFFIRMATIVE DEFENSE**

26 **(Plaintiff's Fraud)**

27 7. Plaintiff's claims are barred by reason of its own fraudulent acts.

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EIGHTH AFFIRMATIVE DEFENSE

(Fair Use)

8. Plaintiff's claims for relief are barred by the "Fair Use Doctrine" and limitations on exclusive rights pursuant to Section 107 of the Copyright Act, 17 U.S.C. §107.

NINTH AFFIRMATIVE DEFENSE

(No Infringement)

9. To the extent that any conduct of Defendant is properly the subject of this action, Defendant's conduct was at all times innocent and did constitute not a willful infringement or any infringement of copyright.

TENTH AFFIRMATIVE DEFENSE

(No Registration)

10. Plaintiff did not register the copyrights in or on the photographs (or any other works) set forth or described in Plaintiff's complaint, barring this action.

ELEVENTH AFFIRMATIVE DEFENSE

(False Advertising)

11. Plaintiff deceptively, falsely, or misleadingly misled the general public and consumers through advertising of the alleged copyrighted works.

TWELFTH AFFIRMATIVE DEFENSE

(Standing/RPI)

12. Plaintiff lacks proper standing to bring this action, and is not the real party in interest or the owner of any pertinent copyright.

THIRTEENTH AFFIRMATIVE DEFENSE

(Acts of Misuse)

13. Plaintiff has engaged in one or more acts constituting misuse of its copyrights, and has tortiously and improperly attempted to circumvent the scope of the limited privileges under the Copyright Act, leading to unfair business claims that

1 Defendant hereby expressly reserves the right to file in this action or any related
2 proceeding.

3 **FOURTEENTH AFFIRMATIVE DEFENSE**

4 **(Public Domain)**

5 14. Any pertinent alleged copyrights held by Plaintiff are, or have parts taken
6 from, part of the public domain, barring this action.

7 **FIFTEENTH AFFIRMATIVE DEFENSE**

8 **(Idea/Expression)**

9 15. Plaintiff's claims are barred, in whole or in part, by the idea/expression
10 dichotomy or the application thereof.

11 **SIXTEENTH AFFIRMATIVE DEFENSE**

12 **(Scènes à Faire)**

13 16. Plaintiff's claims are barred, in whole or in part, by the scènes à faire
14 doctrine.

15 **SEVENTEENTH AFFIRMATIVE DEFENSE**

16 **(Implied License)**

17 17. Plaintiff's claims are barred, in whole or in part, because Defendant had an
18 implied license.

19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 **(De Minimis Use)**

21 18. Plaintiff's claims, to the extent that they have any validity, are barred by the
22 de minimis use or trivial use doctrine.

23 **NINETEENTH AFFIRMATIVE DEFENSE**

24 **(Additional Defenses)**

25 19. Defendant presently has insufficient knowledge and information upon which
26 to form a belief as to whether Defendant may have additional defenses not specifically set
27 forth herein. On that basis, Defendant reserves the right to amend this Answer, and also
28 reserves the right to assert additional affirmative defenses, in the event that further

1 pleadings, discovery or otherwise-acquired evidence in this action indicate that such
2 defenses are appropriate.

3 WHEREFORE, Defendant prays this Court for the following relief:

- 4 1. That Plaintiff's Complaint be dismissed in its entirety, with prejudice;
5 2. That Plaintiff take nothing by its Complaint against Defendant;
6 3. That Defendant recover its reasonable attorney fees and costs of suit from
7 Plaintiff;
8 4. That this Court award Defendant such other and further relief as the Court may
9 deem just and proper.

10 **JURY DEMAND**

11 Under Rule 38 of the Federal Rules of Civil Procedure, Defendant hereby requests
12 and demands a jury trial on all claims and causes of action so triable.

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14 Dated: August 18, 2025

NORRIS LAW GROUP, P.C.

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16 By: /s/ Matthew J. Norris
17 Matthew J. Norris
18 Attorneys for Defendant Chicago Liquor, Inc.
19 d/b/a The Green Olive
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